

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:)
MICHELA CRUMP,) Case No. 21-12875-SAH
Debtor) Chapter 7

IAN'S ENTERPRISE, LLC)
Plaintiff,)
vs.) Adv. Pro. 22-1006
MICHELA CRUMP,)
Defendant.)

MOTION FOR DEFAULT JUDGMENT WITH BRIEF IN SUPPORT AND NOTICE OF OPPORTUNITY FOR HEARING

COMES NOW Plaintiff, Ian's Enterprise, Inc. ("Plaintiff"), and files this *Motion for Default Judgment and Notice of Opportunity for Hearing*, and in support thereof, states as follows:

1. Plaintiff filed the *Complaint* against Defendant on January 21, 2022 [Doc. 1]. A *Summons In An Adversary Proceeding* was duly issued to Defendant by the Clerk of the Bankruptcy Court on January 21, 2022 [Doc. 2].
2. As evidenced by the Return of Service filed on April 7, 2022, Defendant was properly served with the *Complaint* and *Summons In An Adversary Proceeding* by serving Defendant via first-class mail to Defendant on January 25, 2022.
3. As evidenced by the Return of Service filed on April 7, 2022, the attorney of record for Defendant in the underlying bankruptcy case, was properly served with a copy of the *Complaint* and *Summons In An Adversary Proceeding* via first-class mail to the same on January 25, 2022.

4. The time for Defendant to answer or otherwise respond to the Complaint expired on February 21, 2022.
5. Defendant has not filed an answer or other responsive pleading.
6. Defendant is not an infant nor is Defendant an incompetent person.
7. On April 11, 2022, the Clerk of the Bankruptcy Court entered an *Entry of Default* against the Defendant, Michela Crump (“Defendant”), in accordance with Federal Rule of Civil Procedure 55(a), made applicable to adversary proceedings by Federal Rule of Bankruptcy Procedure 7055.

BRIEF IN SUPPORT

Entry of default is appropriate “[w]hen a party against whom a judgment for relief is sought has failed to plead or otherwise defend.” Fed. R. Civil. P. 55(a). “[D]efault judgment must normally be viewed as available only when the adversary process has been halted because of essentially unresponsive party. In that instance, the diligent party must be protected lest he be faced with interminable delay and continued uncertainty as to his rights. The default judgment remedy serves such a protection.” *In re Rains*, 946 F.2d 731, 732-33 (10th Cir. 1991).

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 157(b)(2)(I) (proceedings seeking a determination of discharge of a particular debt are core proceedings and the Bankruptcy Court may hear and determine the matter). The Defendant in this proceeding is also the Debtor, and personal jurisdiction of this Court was established by when Debtor voluntarily filed her Chapter 7 Bankruptcy in this Court. Venue is proper pursuant to 28 U.S.C. § 1408.

The Complaint as filed is detailed, fact-specific, and sets forth a sufficient bases for a finding of non-dischargeability pursuant to 11 U.S.C. §§ 523(a)(2)(A), 523(a)(2)(B) and

523(a)(6). Plaintiff's *Affidavit* supports the allegations in the Complaint. See attached Exhibit "A." Additionally, documentary evidence supporting Plaintiff's Complaint is attached. Specifically, Plaintiff provides his *Journal Entry of Judgment* filed in the District Court of Oklahoma County, State of Oklahoma, which is evidence of the underlying debt owed to Plaintiff by Defendant. (See Exhibit "B.") The current balance due and owing on the *Journal Entry of Judgment* as of the date Defendant filed for Chapter 7 Bankruptcy is \$27,354.59.

Further, Plaintiff provides *Notice of Renewal of Judgment and Judgment Lien* filed in the District Court of Oklahoma County, State of Oklahoma on October 4, 2021. (See attached Exhibit "C."). Plaintiff provides *Subpoena Duces Tecum For Production of Documents and Things* issued to Partners Human Resources and *Subpoena Duces Tecum for Production of Documents and Things* issued to CS Management, LLC (See Exhibit D.) For clarification, it should be noted that Partners Human Resources, Co. is the company that processes payroll for CS Management, LLC. Plaintiff provides various paystubs, which were provided to it by Defendant. (See attached Exhibit "E.") Plaintiff provides email communications between it and a representative of Partners Human Resources, Co. regarding the falsified and altered pay stubs. (See attached Exhibit "F".) The various exhibits support the allegations in the *Complaint*.

WHEREFORE, Plaintiff, Ian's Enterprise, Inc. prays for judgment in favor of Plaintiff and against Defendant, Michela Crump, as set forth herein and for other such relief as the Court deems equitable.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue,

Oklahoma City, OK 73102 no later than 14* days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response is timely filed, the Court may grant the requested relief without a hearing or further notice.

***The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

Respectfully Submitted,

/s/ Amanda R. Blackwood

Amanda R. Blackwood, OBA #33839
BLACKWOOD LAW FIRM, PLLC
PO Box 6921
Moore, OK 73153
405.232.6357 -Telephone
405.378.4466 – Facsimile
amanda@blackwoodlawfirm.com – Email
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I certify that on April 21, 2022, a true and correct copy of this document was forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following:

Michela Crump
439 W. Silverwood Drive, Apt. 256
Oklahoma City, OK 73110

Alexander Hilton, III
Alexander Hilton & Associates
6440 Avondale Drive
Suite 201
Oklahoma City, OK 73116

/s/ Amanda R. Blackwood
Amanda R. Blackwood